

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAX BRADFIELD,

Plaintiff,

vs.

CORRECTIONAL MEDICAL
SERVICES, INC., *et al.*,

Defendants.

Case No. 1:07-cv-1016

Hon. Robert J. Jonker

ORDER

This matter is now before the court on a motion for protective order staying discovery filed by defendants Correctional Medical Services, Inc. and Daniel Spitters (docket no. 29). Defendants' motion is unopposed.

Fed. R. Civ. P. 26(b)(2)(C)(iii) provides that the court must limit the extent of discovery otherwise allowed by the court rules if "the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of discovery in resolving the issues." In this case, the undersigned has entered a report and recommendation to grant defendants' motion to dismiss plaintiff's action for failure to exhaust his administrative remedies as required under the Prison Litigation Reform Act, 42 U.S.C. § 1997e. There is no reason for the parties to engage in discovery until the court has resolved the pending dispositive motion. *See Petrus v. Bowen*, 833 F.2d 581, 583 (5th Cir. 1987) ("[a] trial court has broad discretion and inherent power to stay discovery until preliminary questions that may dispose of the case are determined"); *Chavous v. District of Columbia Financial Responsibility and*

Management Assistance Authority, 201 F.R.D. 1, 2 (D.D.C. 2001) (“[a] stay of discovery pending the determination of a dispositive motion is an eminently logical means to prevent wasting the time and effort of all concerned, and to make the most efficient use of judicial resources”) (internal quotation marks and citations omitted).

Accordingly, defendants’ motion is **GRANTED**. Discovery in this action is **STAYED** as to these defendants pending further order of the court.

IT IS SO ORDERED.

Dated: July 3, 2008

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge